

REMARKS

Claims 1-90 are pending in the present patent application. Claims 1-90 stand rejected. This application continues to include claims 1-90.

Applicants have noted that in the Office Action Summary, the specification is indicated as having been objected to, however, in the Detailed Action, there is no corresponding indication. The Examiner confirmed during a May 31, 2005 telephone call that the indication in the Office Action Summary as to the specification being objected to was inadvertent and should be ignored by Applicants. Applicants thank the Examiner for the clarification.

Claims 1-58 were rejected under 35 U.S.C. §101 as being inoperative and therefore lacking utility. Specifically, the Examiner asserts that the disclosed invention mentions a method of communicating with a database or mechanism, but fails to disclose communications means (network) to enable the method of communicating to a database or mechanism.

Applicants submit that claims 1-58 are operative and do not lack utility, and request reconsideration of the rejection of claims 1-58 in view of the following.

Applicants specification provides that an imaging device 12 communicates with a host 14 via a communication link 20, and that a licensing vendor 16 communicates with host 14 via a communications link 22 (see Applicants' specification at page 5, lines 5-7). Imaging device 12 includes a supply item 26 (see Applicants' specification at page 5, lines 8-9).

Licensing vendor 16 includes a database 40 for storing information relating to a plurality of supply items, and facilitates consumer access to a new usage license, and has an e-

commerce website that can be accessed by a consumer via on-line communications over the Internet (see Applicants specification at page 7, lines 18-32).

Communications link 20 may be a direct cable or wireless connection, or a network connection (see Applicants' specification at page 8, lines 1-3), and communications link 22 is preferably established by an Internet connection (e.g., to facilitate an email or e-commerce transaction), or via a wide area network (WAN) (see Applicants' specification at page 8, lines 5-7). Alternatively, however, communications link 22 graphically represents a communication by a consumer who physically visits the premises of licensing vendor 16, or a telephone link to licensing vendor 16 (see Applicants specification at page 8, lines 7-9).

In an embodiment of Applicants' invention, a method includes communicating the serial number of supply item 26 is to database 40, wherein the communication can occur via the Internet via an e-commerce or email transaction, by telephone, or by a personal visit with licensing vendor 16 (see Applicants specification at page 10, lines 12-14).

In another embodiment, a mechanism, such as for example licensing vendor 16 and/or database 40 is provided for associating a plurality of serial numbers with a respective plurality of keys for a plurality of supply items (see Applicants specification at page 13, lines 27-30). Similar to the aforementioned embodiment, the serial number of supply item 26 is communicated to the mechanism, such as for example licensing vendor 16 and/or database 40, wherein the communication can occur via the Internet via an e-commerce or email transaction, by telephone, or by a personal visit with licensing vendor 16 (see Applicants specification at page 14, lines 24-27).

Thus, as set forth above, Applicants' specification discloses performing communications with a database and with a mechanism, for example, via the Internet,

telephone, or by a personal visit to a licensing vendor having a database, and thus provides an enabling disclosure as pertains to a method of communicating with the database and with the mechanism.

Accordingly, for at least the reasons set forth above, Applicants submit that the claimed invention is operative and does not lack utility, and Applicants thus respectfully request that the rejection of claims 1-58 under 35 U.S.C. §101 be withdrawn.

Claims 1-24, 29-54, 59-70, and 75-86 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takemoto, et al., U.S. Patent Application Publication No. 2002/0012541 A1 (hereinafter Takemoto) in view of Ruder, U.S. Patent No. 4,967,207. Applicants respectfully request reconsideration of the rejection of claims 1-24, 29-54, 59-70, and 75-86 in view of the following.

Takemoto is directed to an image forming apparatus (page 1, paragraph 1). Takemoto discloses an image forming apparatus having an image forming means that has a detachable process cartridge having identification information (page 7, paragraph 135). The image forming apparatus also includes an identification information reading means for reading the identification information of the process cartridge, a network connecting means for connecting to a network, and a control means that controls the image forming means based on a comparison of the identification information with license presence/absence judgment information to judge whether the process cartridge is licensed or not (page 7, paragraph 135).

In one embodiment, the comparison may be performed in a server via a network, and in another embodiment, the comparison may be performed in the imaging apparatus (page 8, paragraph 147).

Takemoto discloses a specific embodiment as follows:

As shown in FIG. 5, in an image forming apparatus 100, a network connecting means 71 for connecting to a network, a license information receiving means 72 for receiving the license information, an electronic information memorizing means 14 for memorizing the electronic information corresponding to the license information, a comparing means 15 for comparing the electronic information with the license information, a control means 16 for controlling functions of the image forming means, a decrypting means 17 for decrypting the encrypted license information, and an image forming means 50 which forms images are provided. Further, a connecting means to electronic settlement server (a network connecting means 71) and an electronic settlement proceeding means 74 are provided in the image forming apparatus 100. (Page 14, paragraph 220).

Ruder is directed to a printer wherein the colorant reservoir on the printhead may be refilled during normal operation (col. 1, lines 7-9). Ruder discloses creating a partial vacuum in the interior of an ink reservoir container, and refilling the ink reservoir by drawing ink into the reservoir via a refill tube from a colorant supply at a service station (col. 3, line 37 to col. 4, line 46). For example, Ruder discloses a print assembly 10 that ejects drops of colorant via a plurality of nozzles (col. 5, lines 51-62, Fig. 4). Print assembly 10 includes a reservoir container 14 that is connected to and provides ink to an ejector 12 that ejects the colorant (col. 5, lines 63-68). A plug 22 is fitted to the body of container 14, includes a vent acting as a vacuum port 24, and has a refill needle 26 therethrough, which functions as a refill tube for refilling reservoir container 14 (col. 6, lines 21-32). A service station 50 includes a valve 52 and a colorant supply line 54 extending from valve 52 to a colorant supply bottle 56 that contains a large volume of colorant (col. 6, lines 63-68). In order to refill reservoir container 14, a vacuum is drawn it, and then colorant supply line 54 is connected to refill needle 26, whereby colorant is drawn into container 14 from colorant supply bottle 56 by the partial vacuum previously created in container 14 (col. 8, lines 23-37).

Applicants believe that claims 1-24, 29-54, 59-70, and 75-86 patentably define Applicants' invention over Takemoto in view of Ruder for at least the reasons set forth below.

Claim 1 is directed to method for providing a virtual replenishing of a supply item with an imaging substance. Claim 1 recites, in part, providing a first supply item containing an actual supply of said imaging substance, said actual supply including a licensed amount of said imaging substance and a surplus amount of said imaging substance.

Takemoto does not disclose, teach, or suggest a method for providing a virtual replenishing of a supply item with an imaging substance, including providing a first supply item containing an actual supply of the imaging substance, the actual supply including a licensed amount of the imaging substance and a surplus amount of the imaging substance.

In contrast to claim 1, Takemoto discloses determining whether a license is available for the cartridge or not (page 14, paragraph 223). If not, the user is offered the opportunity to pay a fee, and if not, is offered to pay a fee two months later or otherwise asked to accept that some functions will be restricted (page 14, paragraph 224 to page 15, paragraph 234).

In one disclosed embodiment that includes wherein functions will be restricted, Takemoto discloses that printer operation is allowed without a license until 30% remaining toner is detected, and operation of the printer is stopped, and the user is warned to get a license immediately or exchange the cartridge (page 15, paragraph 239 to page 16, paragraphs 240-243).

Thus, in contrast to a first supply item containing an actual supply of an imaging substance, the actual supply including a licensed amount of the imaging substance and a surplus amount of the imaging substance, as recited in claim 1, Takemoto discloses that 70% of the toner supply may be used without a license, whereas with a license, 100% of the toner supply may be used.

In other words, Takemoto discloses a licensed amount of 100% toner, a portion of which may be used prior to obtaining the license, e.g., 70%. Takemoto simply does not disclose, teach, or suggest a supplemental amount of toner beyond the licensed amount of 100% toner. Thus, there is no surplus amount of toner in the Takemoto cartridge that is additional to the licensed amount, e.g., an amount of toner in excess of 100%, such as might constitute wherein the supply item contains an actual supply including a licensed amount and a surplus amount, as recited in claim 1.

Ruder discloses print assembly 10 with a reservoir container 14 that is connected to and provides ink to an ejector 12 (col. 5, lines 63-68). Reservoir container 14 may be refilled by drawing a vacuum in reservoir container 14, and connecting a colorant supply line 54 to refill needle 26, wherein colorant is drawn into container 14 from a colorant supply bottle 56 by the partial vacuum previously created in container 14 (col. 8, lines 23-37).

Thus, in contrast to a first supply item containing an actual supply of an imaging substance, the actual supply including a licensed amount of the imaging substance and a surplus amount of the imaging substance, as recited in claim 1, Ruder essentially discloses that a first container, e.g., reservoir container 14, may be refilled with colorant from a second supply item, e.g., colorant supply bottle 56. In other words, the asserted Ruder surplus amount is not contained in a first supply item, but rather a second supply item, and in contrast to a virtual replenishing of a supply item with an imaging substance, a first supply item containing an actual supply of an imaging substance, the actual supply including a licensed amount of the imaging substance and a surplus amount of the imaging substance, Ruder discloses physically replenishing a reservoir container 14 that corresponds generally to the first supply item.

Accordingly, Ruder does not disclose, teach, or suggest a first supply item that contains an actual supply of an imaging substance including a licensed amount and a surplus amount, as recited in claim 1.

Claim 1 also recites wherein if said verification key received from said database corresponds to said first key stored in said memory associated with said first supply item, then performing the step of allocating at least a portion of said surplus amount of said imaging substance contained in said first supply item for use.

As set forth above, Takemoto discloses a licensed amount of 100% toner, a portion of which may be used prior to obtaining the license, e.g., 70%, but does not disclose, teach, or suggest a supplemental amount of toner beyond the licensed amount of 100%. Thus, there is no surplus amount of toner in the Takemoto cartridge.

Consequently, it follows that Takemoto does not disclose, teach, or suggest allocating any surplus amount of an imaging substance contained in a first supply item if a verification key received from a database corresponds to a first key stored in a memory associated with the first supply item, as recited in claim 1.

Although Ruder discloses refilling a first supply item, e.g., reservoir container 14, from a second supply item, e.g., colorant supply bottle 56, as set forth above, such a refilling operation does not disclose, teach, or suggest allocating a surplus amount of an imaging substance contained in a first supply item, but rather discloses physically replenishing a corresponding Ruder first supply item.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Takemoto in view of Ruder, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 1.

Claims 2-12, are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 1. In addition, claims 2-12 further and patentably define the invention over Takemoto in view of Ruder taken alone or in combination.

For example, claim 8 is directed to the method of claim 1, wherein if said verification key received from said database does not correspond to said first key stored in said memory associated with said first supply item, then performing the step of prompting at least one of a user and a monitoring mechanism to enter a corrected key.

In contrast to claim 8, Takemoto discloses that when the license information and the electronic information do not conform to each other in the comparison, the functions of the image forming means are simply restricted or stopped and the user is warned to get a license immediately, insert an IC card, or exchange the cartridge (page 14, paragraph 224 to page 17, paragraph 279).

Rather than providing remedial measures if the comparison result is negative, Takemoto discloses that if the compared information does not conform to each other, a “signal of inconformity” is transmitted, and the functions of the image forming means 50 are stopped or restricted (page 17 paragraph 270), without taking any action to rectify the lack of correspondence between the compared information as might constitute prompting at least one of a user and a monitoring mechanism to enter a corrected key.

In addition, Ruder does not disclose, teach, or suggest wherein if the verification key received from the database does not correspond to the first key stored in the memory associated with the first supply item, then performing the step of prompting at least one of a user and a monitoring mechanism to enter a corrected key, and nor does the Examiner assert as much.

Rather, Ruder essentially discloses that a first container, e.g., reservoir container 14, may be refilled with colorant from a second supply item, e.g., colorant supply bottle 56, without any activity that might disclose, teach, or suggest prompting a user or a monitoring mechanism to enter any key, much less a corrected key.

Accordingly, claim 8 is believed allowable in its own right.

Claim 13 is directed to a method for providing a virtual replenishing of a supply item with an imaging substance. Claim 13 recites, in part, providing a first supply item containing an actual supply of said imaging substance, said actual supply including a licensed amount of said imaging substance and a surplus amount of said imaging substance, and wherein if said verification key received from said mechanism corresponds to said first key stored in said memory associated with said first supply item, then performing the step of allocating at least a portion of said surplus amount of said imaging substance contained in said first supply item for use.

Applicants respectfully submit that Takemoto in view of Ruder, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 13 for substantially the same reasons as set forth above with respect to claim 1.

Claims 14-24, are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 13. In addition, claims 14-24 further and patentably define the invention over Takemoto in view of Ruder taken alone or in combination.

For example, claim 20 is directed to method of claim 13, wherein if said verification key received from said mechanism does not correspond to said first key stored in said memory associated with said first supply item, then performing the step of prompting at least one of a user and a monitoring mechanism to enter a corrected key.

Claim 20 is believed allowable in its own right for substantially the same reasons as set forth above with respect to claim 8.

Claim 29 is directed to a method for providing imaging substance for use in an imaging device. Claim 29 recites, in part, providing a first supply item containing an actual supply of said imaging substance, said actual supply including a licensed amount of said imaging substance and a surplus amount of said imaging substance. For substantially the same reasons as set forth above with respect to claim 1, Takemoto and Ruder, taken alone or in combination, do not disclose, teach, or suggest providing a first supply item containing an actual supply of said imaging substance, said actual supply including a licensed amount of said imaging substance and a surplus amount of said imaging substance.

Claim 29 also recites, in part, providing a virtual replenishing of the supply item with the imaging substance. Takemoto does not disclose, teach, or suggest providing a virtual replenishing of said supply item with said imaging substance, and nor does the Examiner assert as much. Rather, Takemoto discloses that 70% of the toner supply may be used without a license, and with a license, 100% of the toner supply may be used, but does not disclose, teach, or suggest any replenishing of a supply item, much less a virtual replenishing of the supply item.

Although Ruder discloses refilling reservoir container 14 with colorant from colorant supply bottle 56, the Ruder refilling operation is a physical replenishment, in contrast to the virtual replenishment of claim 29.

Claim 29 further recites wherein if the verification key received from the database corresponds to the first key stored in the memory associated with the first supply item, then performing the step of allocating at least a portion of the surplus amount of the imaging

substance contained in the first supply item for use. Takemoto and Ruder do not disclose, teach, or suggest wherein if the verification key received from the database corresponds to the first key stored in the memory associated with the first supply item, then performing the step of allocating at least a portion of the surplus amount of the imaging substance contained in the first supply item for use for substantially the same reasons as set forth above with respect to claim 1.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Takemoto in view of Ruder, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 29.

Claim 30 is directed to a method for providing imaging substance for use in an imaging device. Claim 30 recites, in part, providing a first supply item containing an actual supply of said imaging substance, said actual supply including a licensed amount of said imaging substance and a surplus amount of said imaging substance, and providing a virtual replenishing of said supply item with said imaging substance, wherein if said verification key received from said mechanism corresponds to said first key stored in said memory associated with said first supply item, then performing the step of allocating at least a portion of said surplus amount of said imaging substance contained in said first supply item for use.

Claim 30 is believed allowable for substantially the same reasons as set forth above with respect to claims 1 and 29.

Claim 31 is directed to a method for providing a virtual replenishing of a supply item with an imaging substance, said supply item containing an actual supply of said imaging substance, said actual supply including a licensed amount of said imaging substance and a surplus amount of said imaging substance. Claim 31 recites, in part, wherein if said

verification key received from said database corresponds to said first key stored in said memory associated with said supply item, then allocating at least a portion of said surplus amount of said imaging substance contained in said supply item for use.

Claim 31 is believed allowable for substantially the same reasons as set forth above with respect to claim 1.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Takemoto in view of Ruder, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 31.

Claims 32-42, are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 31. In addition, claims 32-42 further and patentably define the invention over Takemoto in view of Ruder, taken alone or in combination.

For example, claim 38 is directed to the method of claim 31, wherein if said verification key received from said database does not correspond to said first key stored in said memory associated with said supply item, then prompting at least one of a user and a monitoring mechanism to enter a corrected key.

Claim 38 is believed allowable for substantially the same reasons as set forth above with respect to claim 8.

Claim 43 is directed to a method for providing a virtual replenishing of a supply item with an imaging substance, wherein said supply item contains an actual supply of the imaging substance, said actual supply including a licensed amount of said imaging substance and a surplus amount of said imaging substance. Claim 43 recites, in part, wherein if said verification key received from said mechanism corresponds to said key stored in said memory

associated with said supply item, at least a portion of said surplus amount of said imaging substance contained in said supply item is allocated for use.

Takemoto and Ruder, whether taken alone or in combination, do not disclose, teach, or suggest wherein if the verification key received from the mechanism corresponds to the key stored in the memory associated with the supply item, at least a portion of the surplus amount of the imaging substance contained in the supply item is allocated for use, as recited in claim 43, for substantially the same reasons as set forth above with respect to claim 1.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Takemoto in view of Ruder, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 43.

Claims 44-54, are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 43. In addition, claims 44-54 further and patentably define the invention over Takemoto in view of Ruder, taken alone or in combination.

For example, claim 50 is directed to method of claim 43, wherein if said verification key received from said mechanism does not correspond to said key stored in said memory associated with said supply item, then prompting at least one of a user and a monitoring mechanism to enter a corrected key.

Claim 50 is believed allowable in its own right for substantially the same reasons as set forth above with respect to claim 8.

Claim 59 is directed to a method for providing a virtual replenishing of a supply item with an actual supply of imaging substance, wherein said supply item includes a licensed amount of said imaging substance and a surplus amount of said imaging substance, and wherein a serial number associated with said supply item can be communicated to a

mechanism for generating a verification key based on the serial number. Claim 59 recites, in part, wherein if said verification key supplied for comparison corresponds to said key, at least a portion of the surplus amount contained in said supply item is allocated for use.

Takemoto and Ruder do not disclose, teach, or suggest wherein if the verification key supplied for comparison corresponds to the key, at least a portion of the surplus amount contained in the supply item is allocated for use, since, for substantially the same reasons as set forth above with respect to claim 1, neither Takemoto nor Ruder disclose, teach, or suggest a surplus amount of an imaging substance, much less wherein the surplus amount contained in the supply item is allocated for use, as recited in claim 59.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Takemoto in view of Ruder, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 59.

Claims 60-70, are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 59. In addition, claims 60-70 further and patentably define the invention over Takemoto in view of Ruder taken alone or in combination.

For example, claim 66 is directed to the method of claim 59, wherein if said verification key does not correspond to said key stored in said memory associated with said supply item, then prompting at least one of a user and a monitoring mechanism to enter a corrected key.

Claim 66 is believed allowable in its own right for substantially the same reasons as set forth above with respect to claim 8.

Claim 75 is directed to a method for providing a virtual replenishing of a supply item with an imaging substance, wherein said supply item contains an actual supply of the imaging

substance, said actual supply including a licensed amount of said imaging substance and a surplus amount of said imaging substance. Claim 75 recites, in part, wherein said verification key is compared with a key stored in a memory associated with said supply item, and if said verification key corresponds to said key stored in said memory associated with said supply item, at least a portion of said surplus amount of said imaging substance contained in said supply item is allocated for use.

Takemoto and Ruder do not disclose, teach, or suggest wherein if the verification key corresponds to the key stored in the memory associated with the supply item, at least a portion of the surplus amount of the imaging substance contained in the supply item is allocated for use, since, for substantially the same reasons as set forth above with respect to claim 1, neither Takemoto nor Ruder disclose, teach, or suggest a surplus amount of an imaging substance, much less wherein at least a portion of the surplus amount of the imaging substance contained in the supply item is allocated for use, as recited in claim 75.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Takemoto in view of Ruder, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 75.

Claims 76-86, are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 75. In addition, claims 76-86 further and patentably define the invention over Takemoto in view of Ruder taken alone or in combination.

For example, claim 82 is directed to the method of claim 75, wherein if said verification key does not correspond to said key stored in said memory associated with said supply item, then prompting at least one of a user and a monitoring mechanism to enter a corrected key.

Claim 82 is believed allowable in its own right for substantially the same reasons as set forth above with respect to claim 8.

Accordingly, for at least the reasons set forth above, Applicants believe that claims 1-24, 29-54, 59-70, and 75-86 are in condition for allowance in their present form, and thus respectfully request that the rejection of claims 1-24, 29-54, 59-70, and 75-86 under 35 U.S.C. 103(a) be withdrawn.

Claims 25-28, 55-58, 71-74, and 87-90 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takemoto in view of Walmsley, Simon Robert, U.S. Patent No. 6,816,968 B1 (hereinafter, Walmsley). Applicants note that Takemoto in view of Ruder was applied by the Examiner to base claims 13, 43, 59 and 75. Applicants respectfully request reconsideration of the rejection of claims 25-28, 55-58, 71-74, and 87-90 in view of the following.

Walmsley is directed to a consumable authentication protocol for validating the existence of an untrusted authentication chip (col. 1, lines 16-19). Walmsley discloses using an HMAC construction in which any iterative hash function can be used (col. 13, lines 29-42).

Applicants believe that claims 25-28, 55-58, 71-74, and 87-90 patentably define Applicants' invention over Takemoto in view of Walmsley for at least the reasons set forth below.

Claim 25 is directed to method of claim 13, wherein said first key is generated based on said first serial number by said mechanism executing an algorithm.

As set forth above, Takemoto does not disclose, teach, or suggest the subject matter of claim 13, from which claim 25 depends.

For example, Takemoto does not disclose, teach, or suggest a method for providing a virtual replenishing of a supply item with an imaging substance that includes providing a first supply item containing an actual supply of the imaging substance, the actual supply including a licensed amount of the imaging substance and a surplus amount of the imaging substance, as recited in claim 13.

Rather, Takemoto discloses determining whether a license is available for the cartridge or not (page 14, paragraph 223). If not, the user is offered the opportunity to pay a fee, and if not, is offered to pay a fee two months later or otherwise asked to accept that some functions will be restricted (page 14, paragraph 224 to page 15, paragraph 234).

In one disclosed embodiment wherein functions will be restricted, Takemoto discloses that printer operation is allowed without a license until 30% remaining toner is detected, and operation of the printer is stopped, and the user is warned to get a license immediately or exchange the cartridge (page 15, paragraph 239 to page 16, paragraphs 240-243).

Thus, in contrast to a first supply item containing an actual supply of an imaging substance, the actual supply including a licensed amount of the imaging substance and a surplus amount of the imaging substance, as recited in claim 1, Takemoto discloses that 70% of the toner supply may be used without a license, whereas with a license, 100% of the toner supply may be used.

In other words, Takemoto discloses a licensed amount of 100% toner, a portion of which may be used prior to obtaining the license, e.g., 70%. Takemoto simply does not disclose, teach, or suggest a supplemental amount of toner beyond the licensed amount of 100% toner. Thus, there is no surplus amount of toner in the Takemoto cartridge that is additional to the licensed amount, e.g., an amount of toner in excess of 100%, such as might

constitute wherein the supply item contains an actual supply including a licensed amount and a surplus amount to accommodate a virtual refilling of a supply item, as recited in claim 13.

Ruder also does not disclose, teach, or suggest the subject matter of claim 13.

For example, Ruder discloses print assembly 10 with a reservoir container 14 that is connected to and provides ink to an ejector 12 (col. 5, lines 63-68). Reservoir container 14 may be refilled by drawing a vacuum in reservoir container 14, and connecting a colorant supply line 54 to refill needle 26, wherein colorant is drawn into container 14 from a colorant supply bottle 56 by the partial vacuum previously created in container 14 (col. 8, lines 23-37).

Thus, in contrast to a method for providing a virtual replenishing of a supply item with an imaging substance that includes providing a first supply item containing an actual supply of the imaging substance, the actual supply including a licensed amount of the imaging substance and a surplus amount of the imaging substance, as recited in claim 13, Ruder essentially discloses that a first container, e.g., reservoir container 14, may be refilled with colorant from a second supply item, e.g., colorant supply bottle 56.

In other words, the asserted Ruder surplus amount is not contained in a first supply item, but rather is contained in a second supply item, and in contrast to a virtual replenishing of a supply item with an imaging substance, Ruder discloses physically replenishing a reservoir container 14 that corresponds generally to the first supply item.

Accordingly, for at least the reasons set forth above, Takemoto and Ruder, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 13, from which claim 25 depends.

Walmsley does not make up for the deficiency of Takemoto and Ruder as applied to claim 13, nor does the Examiner assert as much. Rather, Walmsley is directed to a

consumable authentication protocol for validating the existence of an untrusted authentication chip (col. 1, lines -18), and does not disclose, teach, or suggest a method for providing a virtual replenishing of a supply item with an imaging substance that includes providing a first supply item containing an actual supply of the imaging substance, the actual supply including a licensed amount of the imaging substance and a surplus amount of the imaging substance, as recited in claim 13.

Accordingly, for at least the reasons set forth above, Walmsley, Takemoto and Ruder, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 13, from which claim 25 depends.

Accordingly, claim 25 is believed allowable due to its dependence on otherwise allowable base claim 13.

Claim 26 is directed to the method of claim 25, wherein said algorithm is an HMAC algorithm. Claim 26 is believed allowable due to its dependence on otherwise allowable base claim 13 and/or intervening claim 25.

Claim 27 is directed to the method of claim 13, wherein the step of generating said verification key based on said first serial number is performed by said mechanism executing an algorithm. Claim 27 is believed allowable due to its dependence on otherwise allowable base claim 13.

Claim 28 is directed to the method of claim 27, wherein said algorithm is an HMAC algorithm. Claim 28 is believed allowable due to its dependence on otherwise allowable base claim 13 and/or intervening claim 27.

Claims 55-58, 71-74, and 87-90 are believed allowable for substantially the same reasons as set forth above with respect to claims 25-28 in view of the failure of the Walmsley

disclosure to satisfy the deficiency of Takemoto in view of Ruder, taken alone or in combination, as applied to base claims 43, 59, and 75 from which claims 55-58, 71-74, and 87-90 respectively depend.

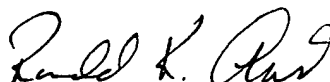
Accordingly, for at least the reasons set forth above, Applicants believe that claims 25-28, 55-58, 71-74, and 87-90 are in condition for allowance in their present form, and thus respectfully request that the rejection of claims 25-28, 55-58, 71-74, and 87-90 under 35 U.S.C. 103(a) be withdrawn.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the appended claims, and that the appended claims are operatively supported by Applicants' disclosure and are not lacking in utility. The claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,



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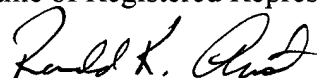
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Ronald K. Aust, Reg. No. 36,735

Name of Registered Representative



Signature

June 6, 2005

Date